

Harnett  
(Informal)

(R 76-446)

76-314

November 22, 1976

Mr. Bob Noble  
Division of Property & Special Taxes  
Department of Revenue  
Capitol Wing  
Phoenix, Arizona 85007

Re: Senate Bill 1332, 32nd Legislature  
Affidavit of Value  
Section 42-1612, Arizona Revised Statutes

Dear Mr. Noble:

In answer to your memorandum dated October 5, 1976 asking whether the signature of either the grantor, grantee or legal representative is sufficient to validate the affidavit of value when addressees of both parties appear on the affidavit, the answer is that either the grantor or his legal representative may sign the affidavit. The signature of the grantee is not sufficient. The question is clearly answered by Paragraph A. of A.R.S. § 42-1612 which provides as follows:

A. Each deed evidencing a transfer of title and any contract relating to the sale of real property shall at the time of recording have appended thereto an affidavit of the seller to the transaction, or his legal representative, in a form as prescribed by the department declaring the value, name and address of the seller and purchaser, legal description, and book, map, and parcel number of the property transferred. (Emphasis added).

Very truly yours,

BRUCE E. BABBITT  
Attorney General

JAMES D. WINTER  
Assistant Attorney General

JDW:eb

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